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Human rights situations that require the Council's attention

Written statement* submitted by the International Educational Development, Inc., a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Abuse of migrant workers and returned defectors by the Democratic People's Republic of Korea

International Educational Development, Inc. and the Association of Humanitarian Lawyers have monitored the situation in the Democratic Peoples' Republic of Korea (DPRK) for many years.¹ We have welcomed the actions undertaken by the Council, including the work of the special rapporteurs and the appointment of the Commission of Inquiry (COI). Investigations indicate the existence of atrocious human rights violation occurring in the DPRK.

We first address the actions undertaken by the DPRK against its citizens that take place outside of the territory of the DPRK – people who are deployed by the government to work in other countries. This practice has taken place for many years and the rights of these workers are severely violated.² Despite the severity of these abuses efforts to end it have been largely inadequate or even non-existent. It is important that the international community recognizes and responds to this situation.

A major cause of this situation is the imposition of and then strengthening sanctions against the DPRK for its refusal to improve human rights conditions and to cease nuclear development. As a result there is a serious foreign currency outflow from the country. In a concerted effort to recoup rapidly out-flowing foreign currency, the DPRK is sending its citizens abroad to work, but they actually are "state-sponsored slaves."³ According to defectors' groups, it is estimated that there may be as many as 65,000 North Koreans abroad, mainly working in Russia, China, Mongolia and the Middle East.⁴ Labor conditions are appalling enough in these States without the added impositions required by the DPRK for its workers in them.

North Korean workers are forced to do hard labor that even natives evade, while under conditions that fall far short of basic worker safety standards. Moreover, North Korean workers are an exception to the typical work hours that are applied to deployed laborers from other foreign countries and work far longer hours. Despite such poor working conditions, North Korean workers are expected to be more productive than normal and without full compensation as the authorities of the DPRK takes a large cut of the pay as "taxes."

A typical worker works up to 16 hours a day while being barred from any contact with the local people.⁵ Such measures stem from fears of the authorities of the DPRK that their workers will see the reality of the outside world and be influenced by both capitalistic and democratic influences. As almost all of the money workers earn is remitted back to the DPRK, workers have little money to purchase goods from the host countries and be able to compare them with goods in their own country. In some situations, workers are only allowed to keep 10% of their wages.⁶

In its 2014 Trafficking in Persons Report, the US State Department criticized the treatment of foreign workers sent to earn foreign currency by the DPRK. The report verified that Korean Workers were subject to forced labor, their movements and communications conducted under surveillance, and that they face threats of government reprisals if they attempt to escape or complain. It stated "[w]orkers' salaries are deposited into accounts controlled by the North Korean government, which keeps most of the money ... workers only receive a fraction of the money paid to the North Korean government for their work."⁷ While gratifying that the United States has recognized the problem and has taken steps to criticize the government of Democratic People's Republic of Korea, it is time for the international community as whole to undertake effective measures to end this form of slavery.

The problem with North Korean defectors also demands attention from the international community as their rights are violated by receiving countries and then severely abused when involuntarily repatriated: returned defectors face prison camps and even the death penalty. The number of defectors is dramatically increasing, and concerted action is sorely needed.

According to Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, infrastructures to help defectors reintegrate into South Korean society has been established in Republic of Korea (ROK). Such

¹ Association of Humanitarian Lawyers researcher Jisoo Hyun assisted in the preparation of this document.

² Database Center for North Korean Human Rights, "Human Rights Conditions of North Korean Migrant Workers."

³ Pattison, Pete, "North Korean working as 'state-sponsored slaves' in Qatar." *The Guardian*, November 7, 2014. <http://www.theguardian.com/global-development/2014/nov/07/north-koreans-working-state-sponsored-slaves-qatar>

⁴ Pattison, Pete, *Idem*.

⁵ Shin, C., & Go, M. (2014). Beyond the UN COI Report on Human Rights in DPRK. *The Asian Institute for Policy Studies*.

⁶ Pattison, Pete, *Idem*

⁷ Pattison, Pete, *Idem*. For the full report, see U.S. Department of State, *Trafficking in Persons Report 2014*.

efforts provide an optimistic sign for the future of defectors' human rights, and should be actively encouraged. On the other hand, the People's Republic of China (PRC) continues forced repatriation of defectors that cross its border. Recently held meetings between Minister of National Defenses of the PRC and the ROK is to be welcomed and hopefully will lead to ameliorating relations between the two countries that, hopefully, will ameliorate the situation of defectors.

Recommendations:

1. The Council should call upon the government of Democratic People's Republic of Korea fully to comply with all international laws regarding workers' rights both at home and for workers sent to other countries.
2. All governments accepting workers from the DPRK should grant them all the rights provided for under international law and should refrain from complying with conditions imposed by the DPRK. Governments that host North Korean workers should enforce their domestic labor law to North Korean laborers.
3. The mandate holders on the issue of migrant workers and contemporary forms of slavery should be invited to join with the Special Rapporteur on the DPRK to look into this situation and to make suggestions regarding how to stop the practices.
4. The DPRK should abolish all abuse of returned defectors and afford them their full human rights.
5. All governments should endeavor to protect the rights of defectors from the DPRK.